

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE  
FIRST REGULAR SESSION  
16th Legislative Day  
Tuesday, February 26, 2013

The House met according to adjournment and was called to order by the Speaker.

Prayer by Reverend Jane Rich, United Church of Christ, Andover.

National Anthem by Chelsie Metcalf, Princeton.

Pledge of Allegiance.

Doctor of the day, Christopher Scott Kleeman, M.D., Cape Elizabeth.

The Journal of Thursday, February 21, 2013 was read and approved.

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**SENATE PAPERS**

Resolve, Directing the Commissioner of Agriculture, Conservation and Forestry To Conduct an Internal Review of the Snowmobile Trail Fund (EMERGENCY)

(S.P. 195) (L.D. 505)

Committee on **INLAND FISHERIES AND WILDLIFE** suggested and ordered printed.

Came from the Senate, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

**REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in concurrence.

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Bill "An Act Regarding the Law Pertaining to the Confidentiality of Enhanced 9-1-1 System Information and Records"

(S.P. 188) (L.D. 495)

Committee on **ENERGY, UTILITIES AND TECHNOLOGY** suggested and ordered printed.

Came from the Senate, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

**REFERRED** to the Committee on **JUDICIARY** in concurrence.

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**Non-Concurrent Matter**

Bill "An Act To Prohibit the Sale and Purchase of Human Fetal Tissue"

(H.P. 313) (L.D. 463)

**REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** in the House on February 14, 2013.

Came from the Senate **REFERRED** to the Committee on **JUDICIARY** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

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**COMMUNICATIONS**

The Following Communication: (H.P. 494)

**TOWN OF THOMASTON**

**P.O. BOX 299**

**THOMASTON, MAINE 04861-0299**

**RESOLUTION**

The Town of Thomaston Board of Selectmen requests the Maine Legislature and US Congressional Delegation to consider a constitutional amendment reversing rulings that equate corporations and unions with persons and treat money as free speech. In addition to this long-term reform, we ask for

immediate legislation establishing rules of disclosure and appropriations toward the public financing of elections. Given under our hands this 28th day of January in the year of Our Lord Two Thousand Thirteen.

THOMASTON BOARD OF SELECTMEN:

S/Lee-Ann Upham, Chairman

S/William Hahn, Vice Chairman

S/Peter Lammert

S/Jonathan Eaton

S/Greg Hamlin

**READ** and **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS**.

Sent for concurrence.

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The Following Communication: (H.C. 84)

**STATE OF MAINE**  
**HOUSE OF REPRESENTATIVES**  
**SPEAKER'S OFFICE**  
**AUGUSTA, MAINE 04333-0002**

February 21, 2013

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk MacFarland:

Pursuant to my authority under Title 20-A, Chapter 413, §11053 of the Maine Revised Statutes, I have appointed Representative Mary P. Nelson of Falmouth to the New England Board of Higher Education.

Should you have any questions regarding this appointment, please do not hesitate to contact me.

Sincerely,

S/Mark W. Eves

Speaker of the House

**READ** and **ORDERED PLACED ON FILE**.

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The Following Communication: (H.C. 83)

**MAINE STATE LEGISLATURE**  
**OFFICE OF PROGRAM EVALUATION AND**  
**GOVERNMENT ACCOUNTABILITY**

February 22, 2013

Honorable Emily Ann Cain, Senate Chair

Honorable Chuck Kruger, House Chair

and Members of the Government Oversight Committee

82 State House Station

Augusta, Maine 04333

Honorable Justin L. Alfond, President of the Senate

and Members of the 126th Maine Senate

3 State House Station

Augusta, Maine 04333

Honorable Mark W. Eves, Speaker of the House

and Members of the 126th House of Representatives

2 State House Station

Augusta, Maine 04333

Dear President Alfond, Speaker Eves, Members of the Government Oversight Committee and Members of the 126th Legislature:

In accordance with 3 MRSA §995.4, I respectfully submit OPEGA's Annual Report on Activities and Performance for 2012. OPEGA's service to the Legislature as a non-partisan resource is meant to provide support in overseeing and improving the performance of State government. I hope that you and Maine's

citizens continue to view our efforts and results as a worthwhile use of taxpayer dollars as we continue working to increase our value to you.

Sincerely,  
S/Beth L. Ashcroft  
Director

**READ** and with accompanying papers **ORDERED PLACED ON FILE.**

# **PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

The following Bills and Resolves were received, and upon the recommendation of the Committee on Reference of Bills were **REFERRED** to the following Committees, ordered printed and sent for concurrence:

## **AGRICULTURE, CONSERVATION AND FORESTRY**

Resolve, Directing the Department of Agriculture, Conservation and Forestry To Review, Clarify and Update Its Rules Pertaining to the Maple Syrup Industry

(H.P. 449) (L.D. 657)

Sponsored by Representative BLACK of Wilton.

Cosponsored by Senator SHERMAN of Aroostook and Representatives: DAVIS of Sangerville, GIFFORD of Lincoln, JACKSON of Oxford, JONES of Freedom, MAREAN of Hollis, NOON of Sanford, TIMBERLAKE of Turner, TURNER of Burlington.

Bill "An Act To Change the Grade Standards of the Maine Maple Syrup Industry"

(H.P. 450) (L.D. 658)

Sponsored by Representative BLACK of Wilton.

Cosponsored by Senator SAVIELLO of Franklin and Representatives: CRAY of Palmyra, DAVIS of Sangerville, GIFFORD of Lincoln, JACKSON of Oxford, McCABE of Skowhegan, NOON of Sanford, PETERSON of Rumford, TIMBERLAKE of Turner.

Bill "An Act To Clarify the Laws Governing the Rule-making Authority of the Maine Forest Service"

(H.P. 486) (L.D. 714)

Sponsored by Representative McCABE of Skowhegan.

Bill "An Act To Reimburse Philip Wolley for Litigation Expenses Incurred in Connection with His Termination and Reinstatement as a State Employee"

(H.P. 451) (L.D. 659)

Sponsored by Representative GILLWAY of Searsport. (BY REQUEST)

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested.

On motion of Representative ROTUNDO of Lewiston, the Bill was **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS**, ordered printed and sent for concurrence.

## **CRIMINAL JUSTICE AND PUBLIC SAFETY**

Bill "An Act To Enhance Self-defense by Removing Restrictions on the Carrying and Use of Weapons"

(H.P. 452) (L.D. 660)

Sponsored by Representative LIBBY of Waterboro.

Cosponsored by Senator SHERMAN of Aroostook and Representatives: CRAFTS of Lisbon, DAVIS of Sangerville, DUNPHY of Embden, JOHNSON of Eddington, McCLELLAN of Raymond, SIROCKI of Scarborough, TIMBERLAKE of Turner, WOOD of Sabattus.

Bill "An Act To Prohibit Sale or Possession of Synthetic Cannabinoids"

(H.P. 453) (L.D. 661)

Sponsored by Representative GOODE of Bangor.

Cosponsored by Senator CUSHING of Penobscot and Representatives: DILL of Old Town, DION of Portland, FREY of Bangor, KORNFIELD of Bangor, SCHNECK of Bangor, Senators: DUTREMBLE of York, GRATWICK of Penobscot, LACHOWICZ of Kennebec.

Bill "An Act Regarding Sexually Explicit Text Messaging by Minors"

(H.P. 454) (L.D. 662)

Sponsored by Representative MASTRACCIO of Sanford.

Cosponsored by Senator TUTTLE of York and Representatives: DION of Portland, GRANT of Gardiner, KORNFIELD of Bangor, MacDONALD of Boothbay, MAKER of Calais, MASON of Topsham, PLANTE of Berwick, SANBORN of Gorham.

Bill "An Act To Change the Time Restriction on the Use of Fireworks"

(H.P. 455) (L.D. 663)

Sponsored by Representative CROCKETT of Bethel.

Bill "An Act To Increase the Penalties for Crimes Involving Illegal or Prescription Drugs"

(H.P. 456) (L.D. 664)

Sponsored by Representative CHASE of Wells.

Cosponsored by Senator GERZOFKY of Cumberland and Representatives: KESCHL of Belgrade, KNIGHT of Livermore Falls, LIBBY of Waterboro, MAKER of Calais, PARRY of Arundel, VOLK of Scarborough, WILSON of Augusta.

## **EDUCATION AND CULTURAL AFFAIRS**

Bill "An Act To Facilitate the Transition to a Standards-based Educational System"

(H.P. 457) (L.D. 665)

Sponsored by Representative KUSIAK of Fairfield.

Bill "An Act To Limit the Amount a School Administrative Unit May Spend without Voter Approval"

(H.P. 458) (L.D. 666)

Sponsored by Representative GIFFORD of Lincoln.

Cosponsored by Senator THOMAS of Somerset and Representatives: AYOTTE of Caswell, CRAY of Palmyra, DUNPHY of Embden, FITZPATRICK of Houlton, LONG of Sherman, TURNER of Burlington.

Bill "An Act To Increase Funding to Schools" (EMERGENCY)

(H.P. 459) (L.D. 667)

Sponsored by Representative MAKER of Calais.

Cosponsored by President ALFOND of Cumberland and Representatives: HARLOW of Portland, JACKSON of Oxford, MacDONALD of Old Orchard Beach, McCLELLAN of Raymond, PEASE of Morrill, WEAVER of York, WERTS of Auburn, WINCHENBACH of Waldoboro.

Bill "An Act To Make Agriculture Studies a Part of the Maine Curriculum"

(H.P. 460) (L.D. 668)

Sponsored by Representative DAUGHTRY of Brunswick.

Cosponsored by Senator JOHNSON of Lincoln and Representatives: BERRY of Bowdoinham, HICKMAN of Winthrop, KENT of Woolwich, KRUGER of Thomaston, MAKER of Calais, McCABE of Skowhegan, POULIOT of Augusta, TURNER of Burlington.

Bill "An Act Requiring School Administrative Units To Adopt School Volunteer Policies"

(H.P. 461) (L.D. 669)

Sponsored by Representative BEAULIEU of Auburn.

Cosponsored by Senator LANGLEY of Hancock and Representatives: DeCHANT of Bath, FOWLE of Vassalboro, JOHNSON of Greenville, LUCHINI of Ellsworth, MAKER of Calais, McCLELLAN of Raymond, POULIOT of Augusta.

Bill "An Act To Encourage the Use of Career Interest and Aptitude Tests in Higher Education"

(H.P. 462) (L.D. 670)

Sponsored by Representative BOLAND of Sanford.

Cosponsored by Senator CUSHING of Penobscot and Representatives: BLACK of Wilton, GIFFORD of Lincoln, HARLOW of Portland, KUSIAK of Fairfield, MAKER of Calais, MORRISON of South Portland, NELSON of Falmouth, Senator: TUTTLE of York.

Bill "An Act To Protect Charter Schools by Requiring Them To Be Operated as Nonprofit Organizations"

(H.P. 463) (L.D. 671)

Sponsored by Representative DAUGHTRY of Brunswick.

Cosponsored by Senator MILLETT of Cumberland and Representatives: BERRY of Bowdoinham, HUBBELL of Bar Harbor, JORGENSEN of Portland, KRUGER of Thomaston, MacDONALD of Boothbay, MASON of Topsham, MOONEN of Portland, RUSSELL of Portland.

Bill "An Act Relating to Exemption from Immunization for Schoolchildren"

(H.P. 464) (L.D. 672)

Sponsored by Representative GRAHAM of North Yarmouth.

Cosponsored by Senator GRATWICK of Penobscot and Representatives: BEAUDOIN of Biddeford, DORNEY of Norridgewock, GATTINE of Westbrook, HAMANN of South Portland, KORNFIELD of Bangor, PRINGLE of Windham, TURNER of Burlington, VOLK of Scarborough.

Bill "An Act To Ensure the Least Restrictive Learning Environment in Public Schools for Students with Food Allergies"

(H.P. 465) (L.D. 673)

Sponsored by Representative TREAT of Hallowell.

Cosponsored by Senator JOHNSON of Lincoln and Representatives: FOWLE of Vassalboro, MASTRACCIO of Sanford.

Bill "An Act To Improve Access to Career and Technical Schools"

(H.P. 487) (L.D. 715)

Sponsored by Representative JOHNSON of Greenville.

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### ENERGY, UTILITIES AND TECHNOLOGY

Bill "An Act To Amend the Charter of the Veazie Sewer District To Expand Its Boundaries" (EMERGENCY)

(H.P. 467) (L.D. 675)

Sponsored by Representative GUERIN of Glenburn.

Resolve, To Direct the Public Utilities Commission To Review Telecommunications Services in Northern Oxford County

(H.P. 468) (L.D. 676)

Sponsored by Representative CROCKETT of Bethel.

Cosponsored by Senator PATRICK of Oxford and Representative: PETERSON of Rumford.

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### ENVIRONMENT AND NATURAL RESOURCES

Bill "An Act To Clarify the Natural Resources Protection Act" (EMERGENCY)

(H.P. 466) (L.D. 674)

Sponsored by Representative LIBBY of Waterboro.

Cosponsored by Senator COLLINS of York and Representatives: AYOTTE of Caswell, CAMPBELL of Newfield, CRAY of Palmyra,

DUNPHY of Embden, HARVELL of Farmington, LONG of Sherman, SIROCKI of Scarborough, TIMBERLAKE of Turner.

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### HEALTH AND HUMAN SERVICES

Bill "An Act To Allow Random Drug Testing for Recipients of Certain Public Benefits"

(H.P. 470) (L.D. 678)

Sponsored by Representative BEAUDOIN of Biddeford.

Cosponsored by Representative PARRY of Arundel, Senator CUSHING of Penobscot and Representatives: BENNETT of Kennebunk, CHASE of Wells, DUNPHY of Embden, GILLWAY of Searsport, LIBBY of Waterboro, PETERSON of Rumford, SIROCKI of Scarborough, Senator: HAMPER of Oxford.

Bill "An Act Regarding Prescription Medications for Children under the MaineCare Program"

(H.P. 488) (L.D. 716)

Sponsored by Representative MALABY of Hancock.

Cosponsored by Representatives: MAKER of Calais, TURNER of Burlington, Senator: BURNS of Washington.

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### INLAND FISHERIES AND WILDLIFE

Resolve, Regarding the Management of Maine's Brook Trout and Landlocked Salmon Resources

(H.P. 471) (L.D. 679)

Sponsored by Representative HUBBELL of Bar Harbor.

Cosponsored by Senator LANGLEY of Hancock and Representatives: CASSIDY of Lubec, EVANGELOS of Friendship, KUSIAK of Fairfield, MAKER of Calais, McCABE of Skowhegan, SHORT of Pittsfield, Senator: HASKELL of Cumberland.

Bill "An Act To Provide Free Fishing Licenses to Certain Children in the Custody of the Department of Health and Human Services"

(H.P. 489) (L.D. 717)

Sponsored by Representative McCABE of Skowhegan.

Cosponsored by Senator TUTTLE of York and Representatives: KUSIAK of Fairfield, SAUCIER of Presque Isle, SHORT of Pittsfield.

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Resolve, To Establish the Advisory Committee To Update Rules Regulating Commercial Whitewater Rafting (EMERGENCY)

(H.P. 444) (L.D. 652)

Sponsored by Representative McCABE of Skowhegan.

Committee on **INLAND FISHERIES AND WILDLIFE** suggested.

On motion of Representative SHAW of Standish, **TABLED** pending **REFERENCE** and later today assigned.

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### INSURANCE AND FINANCIAL SERVICES

Bill "An Act To Remove an Unnecessary Provision in the Maine Insurance Code"

(H.P. 445) (L.D. 653)

Sponsored by Representative FITZPATRICK of Houlton.

Cosponsored by Senator WHITEMORE of Somerset.

Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

Bill "An Act To Improve Oversight of Insurance Rates and Ensure Consistency with Federal Law" (EMERGENCY)

(H.P. 473) (L.D. 681)

Sponsored by Representative TREAT of Hallowell.

Cosponsored by Representative SAUCIER of Presque Isle, Senator JACKSON of Aroostook, Senator GRATWICK of Penobscot and Representatives: GOODE of Bangor, GRANT of Gardiner, LUCHINI of Ellsworth, MacDONALD of Boothbay, MORRISON of South Portland, STANLEY of Medway, Senator: MAZUREK of Knox.

Bill "An Act To Require Health Insurers To Provide Coverage for Nutritional Wellness and Illness Prevention Measures and Products"

(H.P. 474) (L.D. 682)

Sponsored by Representative BOLAND of Sanford.

Cosponsored by Senator WHITEMORE of Somerset and Representatives: CHENETTE of Saco, CHIPMAN of Portland, LIBBY of Lewiston, MacDONALD of Old Orchard Beach, MORRISON of South Portland, SHORT of Pittsfield.

Bill "An Act To Assist Homeowners with Wood Stoves in Obtaining Property Insurance"

(H.P. 475) (L.D. 683)

Sponsored by Representative JOHNSON of Eddington.

Cosponsored by Senator PATRICK of Oxford and Representatives: CRAFTS of Lisbon, DAVIS of Sangerville, DUNPHY of Embden, FREDETTE of Newport, GUERIN of Glenburn, LOCKMAN of Amherst, PEAVEY HASKELL of Milford, Senator: YOUNGBLOOD of Penobscot.

Bill "An Act To Nullify the Federal Patient Protection and Affordable Care Act of 2010"

(H.P. 472) (L.D. 680)

Sponsored by Representative LIBBY of Waterboro.

Cosponsored by Senator MASON of Androscoggin and Representatives: CRAFTS of Lisbon, CRAY of Palmyra, McCLELLAN of Raymond, SANDERSON of Chelsea, SIROCKI of Scarborough, TIMBERLAKE of Turner, WALLACE of Dexter, Senator: COLLINS of York.

Committee on **INSURANCE AND FINANCIAL SERVICES** suggested.

On motion of Representative MORRISON of South Portland, the Bill was **REFERRED** to the Committee on **JUDICIARY**, ordered printed and sent for concurrence.

#### JUDICIARY

Resolve, To Increase Funding for Indigent Legal Aid Provided to Wabanaki Tribal Members

(H.P. 478) (L.D. 686)

Sponsored by Representative BEAR of the Houlton Band of Maliseet Indians.

Cosponsored by Senator LACHOWICZ of Kennebec.

Bill "An Act To Amend the Law Concerning Protection from Abuse Orders To Include Pets"

(H.P. 479) (L.D. 687)

Sponsored by Representative BOLAND of Sanford.

Cosponsored by Senator CUSHING of Penobscot and Representatives: CROCKETT of Bethel, GILBERT of Jay, GRAHAM of North Yarmouth, HARLOW of Portland, KAENRATH of South Portland, STANLEY of Medway, Senators: GERZOSKY of Cumberland, TUTTLE of York.

Bill "An Act Concerning Adverse Possession"

(H.P. 480) (L.D. 688)

Sponsored by Representative BEAULIEU of Auburn.

Cosponsored by Senator BURNS of Washington and Representatives: CAREY of Lewiston, CRAY of Palmyra, ESPLING of New Gloucester, GUERIN of Glenburn, LIBBY of Lewiston, NUTTING of Oakland, PETERSON of Rumford.

Bill "An Act To Make Bylaws and Minutes of Board Meetings of Publicly Funded Hospitals Subject to the Freedom of Access Act"

(H.P. 476) (L.D. 684)

Sponsored by Representative MacDONALD of Boothbay.

Cosponsored by Representatives: BROOKS of Winterport, FARNSWORTH of Portland, PRIEST of Brunswick, RUSSELL of Portland, SANBORN of Gorham.

Committee on **JUDICIARY** suggested.

On motion of Representative PRIEST of Brunswick, the Bill was **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**, ordered printed and sent for concurrence.

Bill "An Act To Require Investigation and Prosecution of Assaults by Law Enforcement Officers against Unarmed Individuals"

(H.P. 477) (L.D. 685)

Sponsored by Representative KUSIAK of Fairfield. (BY REQUEST)

Committee on **JUDICIARY** suggested.

On motion of Representative PRIEST of Brunswick, the Bill was **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**, ordered printed and sent for concurrence.

#### LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

Resolve, Requiring the Department of Economic and Community Development To Develop Incentives for Industries in the State To Increase Employment of Maine Residents

(H.P. 448) (L.D. 656)

Sponsored by Representative BEAVERS of South Berwick.

Cosponsored by Senator LANGLEY of Hancock and Representatives: GILBERT of Jay, JOHNSON of Greenville, MASTRACCIO of Sanford, MONAGHAN-DERRIG of Cape Elizabeth, MORRISON of South Portland, Senator: CLEVELAND of Androscoggin.

Bill "An Act To Clarify Compensation for the Panel of Mediators"

(H.P. 481) (L.D. 689)

Sponsored by Representative GIDEON of Freeport.

Cosponsored by Senator DUTREMBLE of York and Representatives: DUNPHY of Embden, FARNSWORTH of Portland, GRAHAM of North Yarmouth, HAMANN of South Portland, KORNFIELD of Bangor, MORIARTY of Cumberland, NEWENDYKE of Litchfield, Senator: CLEVELAND of Androscoggin.

Bill "An Act To Ensure Efficiency in the Unemployment Insurance System"

(H.P. 482) (L.D. 690)

Sponsored by Representative HERBIG of Belfast.

Cosponsored by Senator PATRICK of Oxford and Representatives: CAMPBELL of Newfield, GILBERT of Jay, HOBBS of Saco, ROCHELO of Biddeford, THERIAULT of Madawaska, Senators: JACKSON of Aroostook, TUTTLE of York.

Bill "An Act To Prohibit Enforcement of Federal Laws Regulating Commerce in Violation of the Constitution of the United States"

(H.P. 483) (L.D. 691)

Sponsored by Representative LIBBY of Waterboro.

Cosponsored by Senator MASON of Androscoggin and Representatives: BENNETT of Kennebunk, CRAY of Palmyra, HARVELL of Farmington, NEWENDYKE of Litchfield, SANDERSON of Chelsea, SIROCKI of Scarborough, TIMBERLAKE of Turner, Senator: BURNS of Washington.

Bill "An Act To Protect Maine Food Consumers' Right To Know about Genetically Engineered Food and Seed Stock" (H.P. 490) (L.D. 718)

Sponsored by Representative HARVELL of Farmington.

Cosponsored by Senator JOHNSON of Lincoln, Senator CAIN of Penobscot and Representatives: BEAR of the Houlton Band of Maliseet Indians, BEAUDOIN of Biddeford, BEAULIEU of Auburn, BECK of Waterville, BENNETT of Kennebunk, BERRY of Bowdoinham, BOLAND of Sanford, BRIGGS of Mexico, BROOKS of Winterport, CAMPBELL of Newfield, CAREY of Lewiston, CASAVANT of Biddeford, CHAPMAN of Brooksville, CHASE of Wells, CHIPMAN of Portland, COTTA of China, CRAFTS of Lisbon, DAUGHTRY of Brunswick, DAVIS of Sangerville, DeCHANT of Bath, DICKERSON of Rockland, DION of Portland, DOAK of Columbia Falls, DUNPHY of Embden, ESPLING of New Gloucester, EVANGELOS of Friendship, FARNSWORTH of Portland, FOWLE of Vassalboro, GIDEON of Freeport, GILBERT of Jay, GILLWAY of Searsport, GOODE of Bangor, GRAHAM of North Yarmouth, GRANT of Gardiner, GUERIN of Glenburn, HAMANN of South Portland, HARLOW of Portland, HICKMAN of Winthrop, HOBBS of Saco, HUBBELL of Bar Harbor, JOHNSON of Greenville, JONES of Freedom, JORGENSEN of Portland, KENT of Woolwich, KESCHL of Belgrade, KINNEY of Limington, KNIGHT of Livermore Falls, KRUGER of Thomaston, KUMIEGA of Deer Isle, KUSIAK of Fairfield, LAJOIE of Lewiston, LIBBY of Lewiston, LONGSTAFF of Waterville, MacDONALD of Old Orchard Beach, MacDONALD of Boothbay, MAKER of Calais, MALABY of Hancock, MASTRACCIO of Sanford, McCABE of Skowhegan, McCLELLAN of Raymond, McGOWAN of York, McLEAN of Gorham, MONAGHAN-DERRIG of Cape Elizabeth, MOONEN of Portland, MORIARTY of Cumberland, MORRISON of South Portland, NADEAU of Winslow, NELSON of Falmouth, NEWENDYKE of Litchfield, PARRY of Arundel, PEAVER of HASKELL of Milford, PEOPLES of Westbrook, PETERSON of Rumford, PLANTE of Berwick, POULIOT of Augusta, POWERS of Naples, RANKIN of Hiram, REED of Carmel, ROCHELO of Biddeford, RUSSELL of Portland, RYKERSON of Kittery, SANBORN of Gorham, SANDERSON of Chelsea, SCHNECK of Bangor, SHAW of Standish, SHORT of Pittsfield, SIROCKI of Scarborough, SOCTOMAH of the Passamaquoddy Tribe, STANLEY of Medway, STUCKEY of Portland, TIPPING-SPITZ of Orono, TREAT of Hallowell, TURNER of Burlington, TYLER of Windham, VILLA of Harrison, VOLK of Scarborough, WALLACE of Dexter, WEAVER of York, WELSH of Rockport, WERTS of Auburn, WILSON of Augusta, WINCHENBACH of Waldoboro, Senators: President ALFOND of Cumberland, BOYLE of Cumberland, COLLINS of York, CRAVEN of Androscoggin, DUTREMBLE of York, GERZOSKY of Cumberland, GRATWICK of Penobscot, HAMPER of Oxford, HASKELL of Cumberland, HILL of York, JACKSON of Aroostook, LACHOWICZ of Kennebec, LANGLEY of Hancock, MAZUREK of Knox, MILLETT of Cumberland, PATRICK of Oxford, PLUMMER of Cumberland, TUTTLE of York, WHITEMORE of Somerset.

#### TAXATION

Bill "An Act To Provide Funding for Education by Restoring the 8.5 Percent Income Tax Rate for High-income Taxpayers" (H.P. 484) (L.D. 692)

Sponsored by Representative MacDONALD of Boothbay. Cosponsored by Representatives: DAUGHTRY of Brunswick, RUSSELL of Portland.

Bill "An Act To Provide Solar Energy Tax Credits to Maine Homeowners" (H.P. 485) (L.D. 693)

Sponsored by Representative KUSIAK of Fairfield.

Bill "An Act To Ensure Access to Information in the Property Tax Abatement and Appeals Process" (H.P. 491) (L.D. 719)

Sponsored by Representative JOHNSON of Greenville.

Bill "An Act To Eliminate Sales Tax Exemptions for Snowmobiles and All-terrain Vehicles Purchased by Nonresidents for Use in the State" (H.P. 492) (L.D. 720)

Sponsored by Representative MAREAN of Hollis.

Cosponsored by Senator HASKELL of Cumberland and Representatives: AYOTTE of Caswell, BENNETT of Kennebunk, BLACK of Wilton, FREDETTE of Newport, GOODE of Bangor, KNIGHT of Livermore Falls, TIPPING-SPITZ of Orono, WINCHENBACH of Waldoboro.

#### TRANSPORTATION

Bill "An Act To Raise the Speed Limit on Interstate 295"

(H.P. 446) (L.D. 654)

Sponsored by Representative CHENETTE of Saco.

Cosponsored by Senator VALENTINO of York and Representatives: NADEAU of Winslow, TURNER of Burlington.

Bill "An Act To Amend or Repeal Outdated or Underutilized Laws Related to Transportation" (H.P. 447) (L.D. 655)

Sponsored by Representative THERIAULT of Madawaska.

Cosponsored by Senator COLLINS of York and Representatives: TURNER of Burlington, WERTS of Auburn.

Submitted by the Department of Transportation pursuant to Joint Rule 204.

Bill "An Act To Provide Transparency in Public-private Partnerships for Transportation Projects" (H.P. 493) (L.D. 721)

Sponsored by Representative McCABE of Skowhegan.

#### VETERANS AND LEGAL AFFAIRS

Bill "An Act Concerning Postsecondary Tuition Waivers for Children of Veterans"

(H.P. 469) (L.D. 677)

Sponsored by Representative BOLAND of Sanford.

Cosponsored by Senator CUSHING of Penobscot and Representatives: CHENETTE of Saco, COOPER of Yarmouth, HARLOW of Portland, KAENRATH of South Portland, KNIGHT of Livermore Falls, TIPPING-SPITZ of Orono, VOLK of Scarborough, Senators: TUTTLE of York, WOODBURY of Cumberland.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH.**

## CONSENT CALENDAR

### First Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(S.P. 18) (L.D. 29) Bill "An Act To Provide Support Services to Adults with Intellectual Disabilities or Autistic Disorder" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(S.P. 19) (L.D. 30) Bill "An Act To Provide Home and Community Services for Individuals with Intellectual Disabilities or Autism" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 177) (L.D. 216) Bill "An Act To Extend the Hours for the Sale of Liquor on Sunday When St. Patrick's Day Is on a Sunday" (EMERGENCY) Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass**

There being no objections, the above items were ordered to appear on the Consent Calendar tomorrow under the listing of Second Day.

## CONSENT CALENDAR

### Second Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the Second Day:

(S.P. 21) (L.D. 32) Bill "An Act To Expand the Types of Vaccines That May Be Administered by Pharmacists"

(H.P. 13) (L.D. 9) Bill "An Act To Allow the Maine Potato Board To Have Access to Information Regarding the Potato Tax" (EMERGENCY)

(H.P. 88) (L.D. 106) Bill "An Act To Abolish the Trustees of Public Cemeteries for the City of Waterville" (EMERGENCY)

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was **PASSED TO BE ENGROSSED** in concurrence and the House Papers were **PASSED TO BE ENGROSSED** and sent for concurrence.

The following items were taken up out of order by unanimous consent:

### UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, February 21, 2013, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Bill "An Act To Amend the Law Governing Appeals of Final Agency Action on Applications Concerning Wind Energy Development"

(S.P. 83) (L.D. 247)

- In Senate, **REFERRED** to the Committee on **JUDICIARY**.

TABLED - February 12, 2013 (Till Later Today) by Representative HOBBS of Saco.

PENDING - **REFERENCE IN CONCURRENCE**.

Subsequently, on motion of Representative PRIEST of Brunswick, the Bill was **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY**, in **NON-CONCURRENCE** and sent for concurrence.

Bill "An Act To Encourage Workforce Development in the Heating, Ventilation, Air Conditioning, Efficiency and Energy Conservation Trades and Reduce Carbon Dioxide Emissions"

(S.P. 84) (L.D. 248)

- In Senate, **REFERRED** to the Joint Select Committee on **MAINE'S WORKFORCE AND ECONOMIC FUTURE**.

TABLED - February 12, 2013 (Till Later Today) by Representative WELSH of Rockport.

PENDING - **REFERENCE IN CONCURRENCE**.

Subsequently, on motion of Representative BERRY of Bowdoinham, the Bill was **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY**, in **NON-CONCURRENCE** and sent for concurrence.

Bill "An Act To Preserve and Ensure Equitable Funding of Maine's Commercial Racetracks"

(H.P. 321) (L.D. 471)

(Committee on **VETERANS AND LEGAL AFFAIRS** suggested)

TABLED - February 14, 2013 (Till Later Today) by Representative LUCHINI of Ellsworth.

PENDING - **REFERENCE**.

Subsequently, on motion of Representative LUCHINI of Ellsworth, the Bill was **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, ordered printed and sent for concurrence.

Bill "An Act To Enhance and Encourage Economic Development of the Lower Penobscot River Basin by Creating a Niche Port Plan"

(H.P. 401) (L.D. 582)

(Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** suggested)

TABLED - February 21, 2013 (Till Later Today) by Representative HERBIG of Belfast.

PENDING - **REFERENCE**.

Subsequently, on motion of Representative HERBIG of Belfast, the Bill was **REFERRED** to the Committee on **TRANSPORTATION**, ordered printed and sent for concurrence.

## SENATE PAPERS

Bill "An Act To Provide Assistance to Maine's Dairy Farms"

(S.P. 256) (L.D. 707)

Came from the Senate, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

**REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in concurrence.

Bill "An Act To Establish the Mobile Crime Laboratory Fund"

(S.P. 238) (L.D. 647)

Bill "An Act To Amend the Laws Governing Probation and Remove References to the Intensive Supervision Program of the Department of Corrections"

(S.P. 250) (L.D. 701)

Bill "An Act To Make Post-conviction Possession of Animals a Criminal Offense"

(S.P. 252) (L.D. 703)

Bill "An Act To Reduce Emergency Rescue Costs"

(S.P. 257) (L.D. 708)

Came from the Senate, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

**REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in concurrence.

Bill "An Act To Allow Public Schools To Offer Classes Limited to Students of a Single Gender"

(S.P. 248) (L.D. 699)

Bill "An Act To Require Students To Receive Instruction in Cardiopulmonary Resuscitation and the Use of an Automated External Defibrillator prior to Graduation"

(S.P. 258) (L.D. 709)

Came from the Senate, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

**REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

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Bill "An Act To Remove the 100-megawatt Limit on Renewable Sources of Energy"

(S.P. 237) (L.D. 646)

Bill "An Act To Increase Maine's Energy Competitiveness"

(S.P. 246) (L.D. 697)

Came from the Senate, **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed.

**REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** in concurrence.

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Bill "An Act To Clarify Solid Waste Policy" (EMERGENCY)

(S.P. 243) (L.D. 694)

Bill "An Act To Amend the Site Location of Development Laws"

(S.P. 244) (L.D. 695)

Came from the Senate, **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed.

**REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** in concurrence.

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Resolve, To Require the Department of Health and Human Services To Seek a Federal Waiver of Certain Requirements Regarding Contracting for Transportation Services under MaineCare

(S.P. 241) (L.D. 650)

Resolve, Requiring the Department of Health and Human Services To Adopt an Alternative MaineCare Nonemergency Transportation System to the Current Risk-based Prepaid Ambulatory Health Plan (EMERGENCY)

(S.P. 259) (L.D. 710)

Bill "An Act To Facilitate Patient Education"

(S.P. 260) (L.D. 711)

Came from the Senate, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

**REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** in concurrence.

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Bill "An Act To Amend the Junior Hunting License Requirements"

(S.P. 254) (L.D. 705)

Came from the Senate, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

**REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** in concurrence.

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Bill "An Act To Allow the Adjustment of the Assessment Rate for the Rural Medical Access Program"

(S.P. 236) (L.D. 645)

Bill "An Act To Make Records of External Review Proceedings Overseen by the Bureau of Insurance Confidential"

(S.P. 239) (L.D. 648)

Bill "An Act To Amend the Captive Insurance Laws"

(S.P. 242) (L.D. 651)

Came from the Senate, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed.

**REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** in concurrence.

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Bill "An Act To Include Raising Equines in the Definition of Agriculture for the Purpose of the Maine Workers' Compensation Act of 1992"

(S.P. 245) (L.D. 696)

Bill "An Act To Require Elevators To Be Accessible for Ambulance Stretchers"

(S.P. 249) (L.D. 700)

Came from the Senate, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

**REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

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Bill "An Act To Provide an Exemption from Fuel and Sales Taxes to Persons Engaged in Snowmobile Trail Grooming" (EMERGENCY)

(S.P. 247) (L.D. 698)

Came from the Senate, **REFERRED** to the Committee on **TAXATION** and ordered printed.

**REFERRED** to the Committee on **TAXATION** in concurrence.

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Resolve, Directing the Department of Transportation To Place Signs on Interstate 295 Directing Motorists to the Town of Harpswell

(S.P. 261) (L.D. 712)

Came from the Senate, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

**REFERRED** to the Committee on **TRANSPORTATION** in concurrence.

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Bill "An Act To Facilitate Consumer Taste Testings"

(S.P. 240) (L.D. 649)

Bill "An Act To Strengthen the Law Prohibiting Black Market Wagering on Harness Horse Races"

(S.P. 251) (L.D. 702)

Bill "An Act To Improve the Availability of Coupons in the State"

(S.P. 253) (L.D. 704)

Came from the Senate, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed.

**REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** in concurrence.

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The SPEAKER: The Chair recognizes the Representative from Houlton, Representative Fitzpatrick, who wishes to address the House on the record.

Representative **FITZPATRICK**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. In reference to Roll Call No. 3, last week, on LD 576, had I been present, I would have voted yea.

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The Chair laid before the House the following item which was **TABLED** earlier in today's session:

Resolve, To Establish the Advisory Committee To Update Rules Regulating Commercial Whitewater Rafting (EMERGENCY)

(H.P. 444) (L.D. 652)

Which was **TABLED** by Representative SHAW of Standish pending **REFERENCE**.

Subsequently, on motion of Representative McCABE of Skowhegan, the Resolve and all accompanying papers were **INDEFINITELY POSTPONED**. Sent for concurrence.

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By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

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On motion of Representative TURNER of Burlington, the House adjourned at 11:04 a.m., until 10:00 a.m., Thursday, February 28, 2013.